

SENATE BILL REPORT

SB 5783

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 27, 2007

Title: An act relating to interest arbitration regarding certain care providers.

Brief Description: Applying interest arbitration to certain care providers.

Sponsors: Senators Kohl-Welles, Zarelli, Hatfield, Franklin, Roach, Kline, Hobbs, Keiser, Kauffman, Kilmer, Kastama, Oemig, Delvin, Benton and Rasmussen.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/20/07, 2/27/07 [DPS, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5783 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

Minority Report: Do not pass.

Signed by Senators Clements, Ranking Minority Member, Hewitt and Holmquist.

Staff: Kathleen Buchli (786-7488)

Background: Both individual home care workers (individual providers) and family child care providers have collective bargaining rights under the Public Employees' Collective Bargaining Act (PECBA). For individual providers and family child care providers, the PECBA recognizes the public policy against strikes as a means of settling labor disputes. To resolve impasses over contract negotiations involving these personnel, the PECBA requires binding interest arbitration if negotiations for a contract reach impasse and cannot be resolved through mediation.

For all personnel who are subject to binding interest arbitration under the PECBA, an interest arbitration panel must consider: the authority of the employer; the stipulations of the parties; a comparison of wages, hours, and conditions of employment of personnel involved in the proceedings with those of like personnel; the cost-of-living; changes in circumstances in any of these factors during the proceedings; and other factors normally or traditionally considered in the determination of wages, hours, and conditions of employment.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For individual providers and family child care providers, an interest arbitration panel must also consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement.

Summary of Bill: Additional factors to be considered by an interest arbitration panel resolving an impasse in collective bargaining involving individual providers or family child care providers under the PECBA are specified.

Individual providers: For individual providers, an interest arbitration panel must also consider: a comparison of the wages, hours, and conditions of employment of public sector personnel and publicly reimbursed personnel; the public's interest in reducing turnover and increasing retention of home care employees; the state's interest in promoting a stable long-term workforce; the state's fiscal interest in reducing reliance on public benefit programs; and the state's interest in ensuring access to affordable, quality health care for state citizens.

Family child care providers: For family child care providers, an interest arbitration panel must also consider: a comparison of child care provider subsidy rates and reimbursement programs by public entities along the west coast of the United States; the public's interest in reducing turnover and increasing retention of child care employees; the state's interest in promoting a stable child care workforce; and for family child care providers who are exempt from licensing, the state's fiscal interest in reducing reliance on public benefit programs.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Labor, Commerce, Research & Development): The provisions relating to factors an arbitration panel must consider for arbitration proceedings involving family child care providers are reorganized within the section. The provisions relating to factors an arbitration panel must consider for arbitration proceedings involving individual providers are moved to the statute that addresses individual provider collective bargaining.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill makes a technical fix addressing a gap in the current interest arbitration statute. There is a lack of clear guidance in statute as to what an arbiter can consider in arbitrations involving child care workers and individual providers. The need for the language is glaring; there is a need for language that is relevant to the reimbursement programs for child care workers and individual providers. An arbiter should be given clear guidance so he or she can look to similar work in making an arbitration decision. For child care workers, the bill aligns what the arbiter is asked to look at with child care goals that have been articulated in other statutes.

CON: There is no opposition to the language that addresses appropriate comparables. The comparables in relation to home care workers should not include other state employees. Home care workers are not state employees and there is no direct comparison between the work provided by home care workers and the work provided by state employees.

Persons Testifying: PRO: Candace Inagi, Service Employees International Union (SEIU) 775; Robert Lavitt, Schwerin, Campbell Barnard & Iglitzin; Kursten Holabird, SEIU 925.

CON: Steve McClain, Office of Financial Management; James Dannen, Washington Federation of State Employees; Kim Blume, Adult Family Home Association of the Tri-Cities.